

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Kenneth Irish, Denise Marshall, Allen Moore
and Scott Stillwell, on behalf of themselves
and on behalf of all others similarly situated, a
class action,

Civil File No. 08-469

Plaintiffs,

v.

NOTICE OF APPEAL

BNSF Railway Company, Burlington
Northern Santa Fe Corporation, William
Barbee, Francis A. Weber, John Doe #1, John
Doe #2, ABC Insurance Company and DEF
Insurance Company,

Defendants.

NOTICE IS HEREBY GIVEN that Defendants BNSF Railway Company, Burlington
Northern Santa Fe Corporation, William Barbee and Frank Weber appeal to the United States
Court of Appeals for the Seventh Circuit from the Order of the District Court for the Western
District of Wisconsin remanding this action to Grant County Circuit Court, entered in this action
on May 8, 2009.

Dated: June 8, 2009

BRIGGS AND MORGAN, P.A.

By: s/ Timothy R. Thornton

Timothy R. Thornton (#109630)

Robin Caneff Gipson (#293428)

Molly M. Borg (#0331922)

2200 IDS Center

80 South Eighth Street

Minneapolis, MN 55402-2157

(612) 977-8400

ATTORNEYS FOR DEFENDANTS

BNSF RAILWAY COMPANY,

BURLINGTON NORTHERN SANTA

FE CORPORATION, WILLIAM

BARBEE AND FRANCIS A. WEBER